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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 28 October 2004 from the Permanent Representative of the Bahamas to the United Nations addressed to the Chairman of the Committee

The Permanent Representative has the honour to submit for consideration the first report of the Bahamas pursuant to Security Council resolution 1540 (2004) (see annex).

With reference to the legislation cited in the report, I wish to advise that the Bahamas had previously submitted a comprehensive package of legislation to the Counter-Terrorism Committee for use by that Committee and any other relevant entities.

I stand ready to provide any further information as may be required.

(*Signed*) Paulette A. **Bethel**
Permanent Representative

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Annex to the letter dated 28 October 2004 from the Permanent Representative of the Bahamas to the United Nations addressed to the Chairman of the Committee

The Commonwealth of the Bahamas report submitted to the Security Council Committee established pursuant to resolution 1540 (2004)

Introduction

The Government of The Commonwealth of The Bahamas is committed to the objectives of the United Nations in its fight to address threats posed to international peace and security through the proliferation of weapons of mass destruction and their means of delivery, in particular to non-state actors.

This report is submitted to the United Nations Security Council Committee established pursuant to resolution 1540 (2004) and outlines the actions taken, and those intended to be taken by the Government of The Bahamas to implement the provisions of the resolution.

PARAGRAPH 1:

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

The Commonwealth of The Bahamas does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

PARAGRAPH 2:

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

At present there is not yet legislation in The Bahamas that deals specifically with these issues. However, there are several pieces of legislation that may be used to deter a non-State actor from being able to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them. There is also the draft Anti-Terrorism Bill, which, once it becomes law, will prohibit the financing of terrorism.

(i) **The Financial Intelligence Unit Act 2000** – establishes the Financial Intelligence Unit (FIU) in The Bahamas, which became a member of the Egmont Group of Financial Intelligence Units, enabling it to cooperate with foreign financial intelligence units in the exchange of information.

The FIU is the agency responsible for receiving, analyzing, obtaining and disseminating suspicious transaction reports. Under the provisions of section 4(2)(b) of this Act, the FIU may upon receipt of any report of a suspicious transaction, order in writing, any person to refrain from completing any transaction for a period not exceeding seventy hours. Further, the FIU may upon receipt of a request from a foreign FIU or law enforcement authority, as well as from the Commissioner of Police of The Bahamas, order any person to freeze an individual's bank account for a period not exceeding five days, if satisfied that the request is related to the proceeds of any of the alleged offences specified in its Second Schedule. These specified offences are those, which are offences under the Proceeds of Crime Act.

On 21 December 2001, the FIU issued six (6) Anti-Money Laundering and Suspicious Transactions Guidelines for the following institutions:

- Banks and Trust Companies;
- The Security Industry;
- The Insurance Industry;
- Cooperative Societies;
- Licensed Casino Operators; and
- Financial and Corporate Service Providers

Since its establishment the FIU has completed and analyzed four hundred and fifty (450) suspicious transactions reports, and a number of them have been forwarded to the Royal Bahamas Police Force for further investigation.

(ii) **The International Obligations (Economic and Ancillary Measures) Act 1993** – enables the Governor General to make orders or regulations in relation to the prohibition or restriction of activities for the purpose of implementing a decision, resolution or recommendation of an international organization or association of states of which The Bahamas is a member. Therefore, action can be taken in the situation where an international organization or association of states requests its members to take economic measures against a foreign state, or where the Governor General is of the opinion that a grave breach of international peace and security has occurred that has resulted or is likely to result in a serious international crises.

The International Obligations (Economic and Ancillary Measures) Act was used, as an interim measure, by the Government of The Bahamas immediately after 11 September 2001, to make provision for the seizure and confiscation of funds of persons suspected of terrorism and terrorist acts. On 25 September 2001, pursuant to the Act, the Governor General executed the International Obligations (Economic and Ancillary Measures) (Afghanistan) Order 2001.

The Order prohibited the sale or supply of goods to Afghanistan, and the provision of financial services to or any business with Osama Bin Laden and the Al Qaida organization or any individuals or entities associated with them. The Order also froze any accounts held in the name of Osama Bin Laden, the Al Qaida organization or any person or organization associated with them, as designated from time to time by the Attorney General, after

consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

The Attorney General, after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit has issued additional notices under the International Obligations (Economic and Ancillary Measures) Order.

(iii) The Proceeds of Crime Act 2000 – enables the Courts in The Bahamas to confiscate the proceeds of crime, and empowers officers of the Royal Bahamas Police Force and Customs Department to search premises and seize items suspected to be used in the commission of criminal offences, or which are the proceeds of crime.

This Act makes provision for the seizure and confiscation of the proceeds of criminal conduct, which includes drug trafficking offences or offences under the Prevention of Bribery Act, money laundering offences, and any offence, which may be tried on information in The Bahamas or an offence committed anywhere, that, if it had occurred in The Bahamas, would constitute an offence in The Bahamas. Applications may be made to the Court for restraint orders to prohibit any person from dealing with any property subject to confiscation.

(iv) The Penal Code – deals, among other things, with the offences of murder, threats of death or grievous harm, kidnapping, unlawful training, military operations, violence against the judiciary, witnesses in legal proceedings and causing damage to property, e.g. arson, the use of explosive material with the intent to cause damage and damage to buildings.

(v) The Mutual Legal Assistance (Criminal Matters) Act 1988 and the Criminal Justice (International Cooperation) Act 2000 – both Acts enable the Attorney General to provide assistance to other countries in connection with investigations, inquiries and proceedings in criminal matters. The former applies where there is a treaty arrangement with The Bahamas and any other country, and the latter applies where there is no treaty arrangement with The Bahamas and any other country.

(vi) The Protection of Aviation (Tokyo, Hague and Montreal Convention) Act – gives effect to the Convention on Offences and Certain Other Acts committed on Board Aircraft, 1963; the Convention for the Suppression of Unlawful Seizure of Aircraft (HIJACKING), 1970; and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.

(vii) The Internationally Protected Persons Act - gives effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents adopted by the United Nations General Assembly in 1979.

(viii) The Suppression of Taking Hostages Act – gives effect to the Convention against the Taking of Hostage adopted by the United Nations in 1979.

(ix) The Firearms Act, The Explosives Act, and the Explosive Substances (Illegal Use and Possession) Act, - deal with the manufacture, importation, sale storage, use, disposal of and possession of ammunition and explosives in The Bahamas.

(x) The Genocide Act – gives effect to Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on

9 December 1948, and deals with a person, who commits the offence of genocide within the meaning given to it by the definition found in Article II of the Convention.

Any person, who is found guilty of killing another person while committing the offence of genocide will be sentenced to death, and in any other case will be liable to imprisonment for a term not exceeding fourteen years.

(xi) The draft Anti-Terrorism Bill – The long title of this Bill is an Act to implement the United Nations Convention on the Suppression of the Financing of Terrorism, the United Nations Security Council resolution 1373 (2001) on Terrorism and generally to make provision for the Prevention and Combating of Terrorism. This Bill creates the offence of providing financial and other related services for the commission of a terrorist act and the offence of the use of property directly or indirectly in whole or in part for the purpose of committing or facilitating the commission of a terrorist act.

The draft Anti-Terrorism Bill creates offences for soliciting and giving support to terrorist groups or for terrorist acts; harboring persons who have committed terrorist acts; and for those who make provision for the training and instruction of terrorist groups and persons committing terrorist acts. The penalty for these offences is imprisonment for twenty years.

The draft Anti-Terrorism Bill also provides for the freezing of funds by the Supreme Court, where it is satisfied on the application of the Attorney General that a person has been charged or is about to be charged with an offence under the Act. Funds may also be frozen where a request has been made by the appropriate authority of another State in respect of a person, who has been charged or is about to be charged with an offence in respect of an act described in the draft Bill, or in respect of whom there is reasonable suspicion that the person has committed an offence.

The application for the freezing order is made *ex parte* and accompanied by an affidavit stating, *inter alia*, the grounds for believing that the funds are related to or are being used to facilitate an offence, and that the funds are subject to the effective control of that person. Where an application for a freezing order is made as a result of a request from another State, the Court shall not make an order unless it is satisfied that reciprocal arrangements exist between The Bahamas and that other State whereby that other State is empowered to make a similar order in respect of a request for a freezing order from The Bahamas. When granted, a freezing order shall cease to have effect at the end of the period of six months, but it may be renewed for a further period of six months, but shall not exceed the period of eighteen months in total.

Additionally, the proposed Anti-Terrorism Bill will designate the financing of terrorist activities as a predicate offence for money laundering statutes, and financial institutions will be obligated to report funds suspected to be linked to, related to or to be used for terrorism and terrorist acts, or are to be used by terrorist organizations. There are also provisions in the draft Bill to criminalize fundraising by nationals for financing terrorism.

The draft Anti-Terrorism Bill was circulated to civil society as well as financial institutions, attorneys, accountants, and bankers for their comments. Also, a national seminar on terrorism, which highlighted the provisions of the draft Bill was held on 16 – 17 September this year. Four sessions were held for various groups including parliamentarians, individuals involved in professional services, civil society, and the public sector and trade unions.

The draft Anti-Terrorism Bill is presently being debated before the House of Assembly. The Bill is now in Committee stage. After the Bill is passed by the House of Assembly it will be forwarded to the Senate for further debate. It is then assented to by the Governor General and becomes Law. This process should be completed by early next year.

PARAGRAPH 3:

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport

The Government of The Bahamas has these matters under consideration.

(b) Develop and maintain appropriate effective physical protection measures

The Government of The Bahamas has these matters under consideration.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation consistent with international law

The improvement of security at all ports of entry is a priority of the Government of The Bahamas.

(i) Airport and Port Security

The Commissioner of Police is in regular consultations with the Commodore of the Defence Force, the Department of Immigration and the Comptroller of Customs with regard to security matters.

The Royal Bahamas Police Force (RBPF), in conjunction with the Airport Authority, has responsibility for the security of the Nassau International Airport (NIA). The security procedures at NIA are FAA approved. A unit of the RBPF is attached to NIA and officers use specially trained canines as a part of the security patrol.

There are airports and ports on every inhabited island in The Bahamas. Police, Customs, and Immigration officers are stationed at these airports and ports. Most of the islands are authorized ports of entry and persons entering The Bahamas have to clear customs and immigration at the nearest port of entry in The Bahamas. If a visitor is cruising in The Bahamas on a sailing vessel, he must first obtain a cruising permit from the Comptroller of Customs.

On the island of Grand Bahama, the Airport and Seaport in Freeport are owned by the Grand Bahama Port Authority. The Port Authority is responsible for security measures at the airport and the seaport, and is assisted by the RBPF. The security procedures at Grand Bahama

International Airport are FAA approved. Customs and Immigration officers and Police Officers are stationed at the airport and seaport.

Under the **Immigration Act** and its Regulations, no person is able to land in The Bahamas from any place outside of The Bahamas, or at an authorized port or at such other place, save with the leave of an immigration officer, who may deny entry to that person if it is determined that such person does not have a legitimate reason to enter the Bahamas.

Additionally, there are administrative and legislative arrangements, which allow persons to be placed on a national stop list. Therefore, if any person, who is not a citizen or a permanent resident of The Bahamas, while in the Bahamas conducts himself in a manner, which is undesirable, or is a person, whose presence in The Bahamas appears undesirable in light of information or advice received from any source deemed reliable, this person can be subject to deportation. Further, persons are placed on the stop list if Bahamian authorities are informed that such persons are suspected of being terrorists or are involved in terrorism.

There are United States Pre-Clearance facilities at the Nassau International Airport and the Grand Bahama International Airport under the Agreement on Pre-clearance signed on 23 April 1974, between the Government of The Bahamas and the Government of the United States. The implementing legislation for this agreement is the **United States of America and The Bahamas Pre-Clearance Agreement Act.** Therefore, persons traveling from The Bahamas to the United States pre-clear United States Customs and Immigration in Nassau and Freeport. Under the Pre-clearance Agreement every person is required to declare funds held by them, i.e. cash or negotiable instruments, which are in excess of $10,000.00. Failure to do so will result in the forfeiture of those funds. While the United States Customs and Immigration do not have the power of arrest, they are assisted by officers from the RBPF.

The Bahamas Customs Department has X-Ray machines at Nassau International Airport and the Grand Bahama International Airport, which are used to scan luggage. X-ray machines are also stationed at the docks or customs depot to scan cargo.

(ii) International Cooperation

The Bahamas is represented at the Ministerial level on the Commonwealth Committee Against Terrorism.

The Royal Bahamas Police Force is a member of INTERPOL, and has a unit that responds to requests for assistance from INTERPOL. The Commissioner of Police is the person who would receive information from INTERPOL that relates to terrorists or those who support terrorist acts.

The Commissioner of Police is also a member of the Association of Caribbean Commissioners of Police. This body meets annually to discuss security and terrorism matters, and other matters of mutual interest to the security forces in the Caribbean.

The Royal Bahamas Defence force is a member of the Caribbean Information Sharing Network (CISN), which is a multilateral internet-based network, which is used by Caribbean and United States military and law enforcement agencies to share information on transnational issues and threats of common concern. The network was established in 1998 in Jamaica by the Caribbean Security

Chiefs, and offers a collaborative approach to address regional issues. The Charter of the organization was adopted at the Caribbean Nations Security Conference (CANSEC), which was held in Nassau, The Bahamas in March 2000. In March 2003 the CISN held their conference in Nassau.

The Bahamas Customs Department is a member of the World Customs Organization (WCO) and the Caribbean Customs Law Enforcement Council (CCLEC). Both organizations exchange information and intelligence worldwide.

Requests for assistance in criminal matters may also be made to the Attorney General, who is the competent authority under the **Mutual Legal Assistance (Criminal Matters) Act.** This Act provides for requests for assistance in criminal matters from countries with which The Bahamas has signed Mutual Legal Assistance Treaties (MLAT). The Bahamas has MLATs with the United States and Canada with regard to all criminal matters, and with the United Kingdom with regard to drug trafficking offences only.

Requests for assistance in criminal matters may be made to the Attorney General by countries with whom The Bahamas does not have and MLAT via the provisions of the **Criminal Justice (International Cooperation) Act.**

Under the provisions of the **Extradition Act 1994** The Bahamas is able to extradite persons found to be in The Bahamas accused of extraditable offences in foreign jurisdictions.

Clause 10 of the draft Anti-Terrorism Bill, once it becomes law, will amend section 7 of the Extradition Act – which deals with the grounds on which extradition may be refused. Therefore, when a person commits a terrorist act, he will not be able to claim exemption from extradition on the basis that the offence was of a political nature, or was an offence connected with a political offence, or was an offence inspired by political motives.

Requests for assistance from regulators from foreign jurisdictions may be made to the Central Bank of The Bahamas, the Securities Commission, the Registrar of Insurance Companies, the Inspector of Banks and Trust Companies and the Inspector of Financial and Corporate Service Providers. The Bahamian regulatory agencies may exchange information with their foreign counterparts to assist the overseas regulator with the conduct of civil or administrative investigations and proceedings, for the enforcement of laws, regulations and rules administered by that authority.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Import Control Regulations - The Import Control Regulations Act and the Import Control Regulations empower the Minister of Finance, who is the competent authority, to make such regulations, as he deems necessary for the purpose of controlling the importation of goods into The Bahamas. Goods are defined as anything capable of being imported into The Bahamas.

The Minister delegates upon The Bahamas Customs Department the power in respect of the grant of or refusal to grant any licence, certificate, permit or other authorization required under the Import Regulations. The importation into The Bahamas of all goods is prohibited except under a licence from the competent authority

If any person imports goods and fails to comply with the import regulations, the goods are deemed to be prohibited goods and are forfeited. The importer of the goods or his agent will be guilty of an offence punishable on summary conviction to imprisonment for six months or a fine of four hundred dollars, or both; and on conviction by the Supreme Court to imprisonment for two years or a fine of two thousand dollars, or both.

Export Control Regulations - The Export Control Regulations Act and the Export Control Regulations empower the Minister of Finance, to make such regulations, as he deems necessary for the purpose of controlling or prohibiting the export from The Bahamas to any place outside The Bahamas of goods or any class of goods, and the trans-shipment within The Bahamas of goods or any class of goods consigned to a place outside The Bahamas.

Goods are defined as anything capable of being exported from The Bahamas or trans-shipped within The Bahamas consigned to a place outside The Bahamas.

The Minister may appoint a person or body of persons to be the competent authority to enforce the Export Regulations. No goods or articles may be exported from The Bahamas without a licence. Any person applying for a licence must make a declaration signed by him stating the ultimate destination of the goods or articles.

The competent authority or any person authorized by the competent authority may open and search any package or receptacle containing goods intended for export in order to ascertain if there are any articles present, which were not included in the declaration.

The competent authority or any person authorized by the competent authority may search any person to find out if they are in possession of prohibited goods. Women will only be searched by a female searcher who has been authorized by the competent authority.

If a declaration is found to be false the goods or articles may be seized and forfeited, and eventually sold.

If any person or his agent fails to comply with the export regulations they will be guilty of an offence punishable on summary conviction to imprisonment for six months or a fine of four hundred dollars, or both; and on conviction by the Supreme Court to imprisonment for two years or a fine of two thousand dollars, or both.

Exchange Control Regulations – The Exchange Control Regulations Act and the Exchange Control Regulations empower the Minister of Finance, who is the competent authority, to make such regulations, as he deems necessary in respect of any matter or thing connected with exchange control for the purpose of controlling buying, selling and dealing in gold, foreign currency, foreign securities and foreign exchange.

The Act establishes the office of the Controller of the Exchange with the functions of the office being vested in the Central Bank of The Bahamas. The Controller of Exchange may make orders and give directions, as necessary to implement the provisions of the Finance Regulations.

Any person who fails to comply with or contravenes the regulations is guilty of an offence and will liable on summary conviction to imprisonment for one year or to a fine of one thousand dollars or to both. However, where the offence is concerned with any currency, any security, any payment, any gold, any goods or any other property, and not just a failure to give information or produce books, accounts or other documents, a larger fine may be imposed not exceeding three times the amount or value of the currency, security, payment, gold, goods or property.

PARAGRAPH 6:

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists

In conjunction with border controls presently in place, The Bahamas has in place a national stop list. Under the Immigration Act, provision has been made for the restriction of entry into The Bahamas of persons known or suspected to be terrorists or persons involved in terrorist groups. Such persons are placed on the national stop list, which immigration authorities update, thereby, keeping up to date with updates made by the UN to the consolidated list issued by the Security Council in accordance with resolutions 1267(1999), 1333(2000), and 1390 (2002).

PARAGRAPH 7:

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The Government of The Bahamas requires technical assistance in the training of police, defence force, customs, immigration, and airport authority security officers in detecting and investigating offences, which would be related to the proliferation and trafficking in weapons of mass destruction; and maintaining effective measures to account for, secure and maintain appropriate effective physical protection measures for nuclear, chemical, or biological weapons, their means of delivery and related materials.

Financial assistance is required to set up these systems.

Technical assistance is also required by the Attorney General's Office in the drafting and introduction of national implementing legislation to develop an effective legislative and regulatory infrastructure to deal with the proliferation and trafficking in Weapons of mass destruction, their means of delivery and related materials.

PARAGRAPH 8:

Calls upon all States:
(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are a party, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons

(i) The Commonwealth of The Bahamas is a State party to the following treaties, whose aim is to prevent the proliferation of nuclear, biological, or chemical weapons, their means of delivery, or related materials:

- Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlaleloco Treaty), 1963;
- Inter-American Convention Against Illicit Traffic, Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Material, 1997;
- Treaty on the Non-Proliferation of Nuclear Weapons, 1968;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972;
- Convention on the Prohibition of the Use of Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997;
- Treaty Banning Nuclear Weapon Tests in the Atmosphere and in Outer Space and Underwater, 1963.

(ii) The Commonwealth of The Bahamas is also a signatory to the:

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993

(iii) In addition to this, The Commonwealth of The Bahamas is a State Party to five of the twelve major United Nations Conventions on terrorism:

- Convention on Offences and Certain Other Acts committed on Board Aircraft, 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft (HIJACKING), 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;
- International Convention Against the Taking of Hostages, 1979.

(iv) The Commonwealth of The Bahamas is also a signatory to the:

- International Convention for the Suppression of the Financing of Terrorism, 1999;
- Inter-American Convention Against Terrorism, 2002.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties

The Government of The Bahamas is currently considering the issue of implementation with regard to the Treaties and Conventions, which relate to the non-proliferation of nuclear, biological, or chemical weapons, their means of delivery, or related materials.

The Bahamas has fully implemented the five major United Nations Conventions on terrorism, mentioned in paragraph 8(a)(iii) above, to which it is a State party, and has enacted the **Protection of Aviation (Tokyo, Hague and Montreal Conventions) Act, the Internationally Protected Persons Act**, and the **Suppression of Taking Hostages Act**, to give effect to the provisions of these Conventions.

As mentioned at paragraph 2 above, the draft Anti-Terrorism Bill is presently being debated before the House of Assembly, and is now in Committee stage. The draft bill should become law by early next year.

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes

The Government of The Bahamas supports multilateral cooperation in the area of non-proliferation and the promotion of international cooperation for peaceful purposes, and at present has the means through legislation such as the Financial Intelligence Unit Act, the Mutual Legal Assistance (Criminal Matters) Act, and the Criminal Justice (International Cooperation) Act, among others, to cooperate in the international arena. It should be noted that the law enforcement agencies in The Bahamas, as well as the regulatory agencies have an institutional framework through which they share information with international law enforcement bodies and regulatory agencies.

Please see answer to paragraph 3(c) above.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws

Whenever the Government of The Bahamas takes on new obligations, because of commitments made with international organizations or commitments made with its international partners, it holds consultations with the relevant private and public sector stakeholders and academia, and has instituted a system of Town Meetings throughout the islands of the Commonwealth of The Bahamas, where the issues related to those obligations are explained and discussed. Information is also disseminated through government publications and by way of the various forms of media, such as radio talk shows, television programming and publications in newspapers.

PARAGRAPH 9:

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery

The Commonwealth of The Bahamas, as an active member of The United Nations, has consistently supported the work of the General Assembly and Security Council in all areas of its activities, recognizing the importance of UNSC Resolution 1540 in promoting international peace and security. The Bahamas supports initiatives by the UN, which promote dialogue and cooperation on the non-proliferation of nuclear, chemical or biological weapons, and their means of delivery.

As stated above in the preceding paragraphs, The Bahamas has a legislative structure, which facilitates cooperation at the international level, having in place legislation such as the Financial Intelligence Unit Act, the Mutual Legal Assistance (Criminal Matters) Act, and the Criminal Justice (International Cooperation) Act, among others. It should be noted that the law enforcement agencies in The Bahamas, as well as the regulatory agencies have an institutional framework through which they share information with international law enforcement bodies and regulatory agencies.

Please see answer to paragraph 3(c) above.

PARAGRAPH 10:

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials

Please see answers for preceding paragraphs.

Conclusion

The Government of The Commonwealth of The Bahamas will use its current legislative framework in the fight against the proliferation and illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials. The Government is also working on setting up systems to deal with the threat of terrorism, terrorist acts and terrorist financing. Consultations will also be held with the relevant private and public sector stakeholders, such as financial institutions, attorneys, accountants, the police, the defence force, the customs and immigration departments, among others, as effective implementing legislation is developed to achieve the common objectives of member States of the United Nations in the fight to address threats to international peace and security.

28 October 2004

ATTACHMENTS:

The Criminal Justice (International Cooperation) Act 2000 – Chapter 105
The Exchange Control Regulations Act – Chapter 360
The Exchange Control Regulations
The Explosives Act – Chapter 215
The Explosive Substances (Illegal Use and Possession) Act – Chapter 216
The Export Control Regulations Act – Chapter 299
The Export Control Regulations
The Extradition Act 1994 – Chapter 96
The Financial Intelligence Unit Act 2000 – Chapter 367
The Firearms Act – Chapter 213
The Genocide Act – Chapter 85
The Immigration Act – Chapter 191
The Import Control Regulations Act – Chapter 298
The Import Control Regulations
The International Obligations (Economic and Ancillary Measures) Act 1993 – Chapter 16
The Internationally Protected Persons Act – Chapter 86
The Mutual Legal Assistance (Criminal Matters) Act 1988 – Chapter 98
The Penal Code – Chapter 84
The Proceeds of Crime Act 2000 – Chapter 93
The Protection of Aviation (Tokyo, Hague and Montreal Conventions) Act – Chapter 285
The Suppression of the Taking of Hostages Act – Chapter 87
The United States of America and The Bahamas Pre-Clearance Agreement Act – Chapter 296
The draft Anti-Terrorism Bill

N. B. All references to laws are to the New Revised Edition of the Laws of The Bahamas, which came into effect on 28 March 2003